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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,482	05/17/2005	Oleksandr Ivanovich Kyrychenko	SWIN 3244	3941
7812	7590	02/20/2008		EXAMINER
SMITH-HILL AND BEDELL, P.C. 16100 NW CORNELL ROAD, SUITE 220 BEAVERTON, OR 97006			HARPER, TRAMAR YONG	
			ART UNIT	PAPER NUMBER
			3714	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/535,482	<b>Applicant(s)</b> KYRYCHENKO, OLEXANDR IVANOVICH
	<b>Examiner</b> TRAMAR HARPER	<b>Art Unit</b> 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 May 2005.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/17/05
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what "the first input of" and "it's second input" is referring to. Appropriate correction required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea (US 5,941,769) in view Order (US 5,941,769) in view of Bacchi (US 4,755,941) in further view of Uhland (US 4,531,187).**

**Claim 1:** McCrea discloses a gaming table comprising a plurality of devices capable of monitoring a game of "Black Jack" at a casino table. The gaming table comprises a bet region, a dealer card region, player card regions, and a display. As each player place a bet the bet is sensed and identified by sensors linked to a game controller and the game controller stores the bet amount for each player position in memory (player bet recognition and registration). After bets are placed such, the dealer deals the cards and

each card as it is dealt by the dealer is automatically identified and stored so that each hand of each player and the dealer is known. McCrea discloses a dealer shoe that comprises a card reader to read an imprint code on the card as it passes through the shoe. The shoe transmits the identity including the value of the card to the game control of the table. The game controller fully records the identity of each card to maintain a history of each hand and/or game. McCrea discloses that rather than an imprint code and imprint optical image can be obtained by the shoe and transmitted to the game controller of the table. The game control uses software to determine the value of the card based on the image (drawn card recognition and registration). Furthermore, the table comprises a shuffler or combination shuffler/shoe wherein cards are returned and identified to the shuffler and the identified cards are compared to determine if the same cards dealt are the same cards returned to the shuffler. If a discrepancy occurs an alarm is sounded. McCrea discloses that each card-receiving area has a plurality of sensors and as each playing card is dealt and placed on the card-receiving areas the sensors detect the cards and the game controller records the event e.g. the game controller maintains a record of the delivery of a card to a particular player position according to the rules of play of "Black Jack" e.g. a system programmed with the gaming rules. In the event that a card is delivered to the wrong player position an alarm signal is triggered. The sensors add optional added security and helps prevent things such as unauthorized interchanging of cards, particularly preventing a player or dealer from withholding cards or from substituting cards. Furthermore, the betting areas comprise a plurality of sensors for detecting the presence and values of

tokens/chips and the game controller records the wagers of each player (wager recognition and registration). In essence, the game controller maintains/monitors all the gaming events as they occur in real time in an attempt to prevent errors, cheating, etc (Col. 4:15-49, Col. 6:27-28, 41-44, Col. 7:10-Col. 8:55, Col. 9:35-50, Col. 10:7-9).

McCrea excludes a visualization device of the data processed by the game controller showing the game run. McCrea disclose that the gaming table and/or system may comprise a display (see above). Order discloses a gaming apparatus/table that will automatically register and evaluate all phases of the run of the game automatically. Order discloses optical sensors/readers within the shoe for recognizing the value of each drawn card, sensors for recognition of each bet by a particular person, a game controller/computer programmed with the gaming rules of "Black Jack" to evaluate and store all data transmitted from the above devices to the computer, and a monitor to display the run of the game and the players' wins (Abstract). The table comprises a table cloth with a game layout indicating betting areas, insurance fields, card position areas, etc. The monitor is used to display evaluating data by the computer to the dealer and to provide signals to the dealer of any mistake made or wrongly dealt cards, etc. The monitor is used to recall a run of the game at a later time whenever requested (Col. 3:17-21, 43-45, Col. Col. 5:27-29, and Col. 12:12-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gaming system of McCrea with the display of Order to provide a means to automatically and visually determine the run of the game. Such a modification makes it easier for the dealer to conduct the game and prevents mistakes and provides a means wherein the

staff or casino can recall the run of the game to evaluate the dealer's performance, player's performance, rounds, etc.

McCrea in view of Order excludes a bank recognition and registration unit.

McCrea clearly discloses recording the bets/chip amount of each player and ensuring that the correct cards are dealt to the correct players and that the cards dealt are the same cards returned providing added security and lesser mistakes of the casino personnel (see above). Bacchi discloses a monitoring system for a gaming table that comprises a chip tray with a plurality of sensors for detecting the identities and presence of chips in a dealer's chip tray or bank. The gaming table comprises a central processing unit linked to the tray sensors that uses the data to signal an alarm of any discrepancies between money and chip transactions of the dealer to the players. Furthermore, at the end of each play the dealer or croupier must pay out winnings from the tray and replenish the tray with the chips lost by the losers. As soon as the croupier disturbs the number of chips in the tray the processor senses the changes and the gaming table controller or CPU stores the information with time stamps of chip transactions. The gaming table controller keeps a running total of the chips in the tray and stores the total in a storage medium. Furthermore, the transactions are displayed via a display (Col. 2:58-Col. 3:12, Col. 3:40-55, 62-67). It would have been obvious to one of ordinary skill in the art to modify the gaming system/table of McCrea in view of Order with the dealer bank recognition and registration unit of Bacchi to provide a more secure gaming system by providing an automatic means of tracking the chip transactions between the players and the dealer. Such a modification would deter

dishonesty in gaming personnel and so strengthens the security arrangement of the establishment (Bacchi Col. 1:29-30).

McCrea in view of Order in view of Bacchi further excludes an optical electronic device located above the gaming table for processing images of objects on the gaming table comprising a playing cards face up value imprint recognition and registration unit wherein the data of the face up cards and the face down cards are compared via a face up and face down comparison unit. As disclosed above, McCrea identifies the face down cards as they leave the shoe and as they are returned to the shoe and furthermore senses and makes sure that the proper cards are dealt to the right players. This provides add security by preventing things such as unauthorized interchanging of cards particularly preventing a player or dealer from withholding cards or from substituting cards (see above). Uhland discloses a system for a "Black Jack" table that comprises a video monitor means for generating a digital representation of the bets made by the players and of the cards dealt to the players and the dealer so that an output can be generated indicating whether the correct payouts are made and bets collected. An alarm signal is generated when an error occurs. The system includes optically monitoring the cards played and chips bet and converting the images into a numeric representation of the cards and chips of each player and of the dealer's cards. Based on said data they system calculates the outcome of each hand. The system determines whether the dealer has made the correct payout, collects the correct amount, and keeps running totals of the play. Each table has its own gaming computer. Each table has its own video camera and scanner above the table to look

directly down at the face up cards and chips. The camera and scanner are linked to a bet recognition unit and card recognition unit which observes objects on the gaming table and sends data to the table computer. The table computer stores and tracks the bets and cards of each individual player and frequently compares previously stored card data of a particular player with current card data to determine any discrepancies and if necessary an alarm is raised (Col. 3:11-Col. 4:55, Col. 5:1-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming system of McCrea in view of Order in view of Bacchi with the card registration and recognition system of Uhland to provide a more secure "Black Jack" system so as to check the face up cards to the dealt cards, when taking into account that McCrea already checks the dealt cards with return cards and senses the positions of cards for security purposes. Such a modification provides added security and prevents dealer mistakes (Col. 1:23-27) e.g. the more error free the monitoring system the more accurate the system will be.

McCrea in view of Order in view of Bacchi in further view of Uhland excludes the bank recognition and registration unit in an optical electronic device above a table, the bet recognition and registration unit in an optical electronic device above a table, a separate operation unit, the input and outputs connected in a certain order. In general the above combination provides a monitoring system with peripheral devices that the recognizes and registers the face down cards as they are dealt and returned, the hands of the players and dealer, the bank of the dealer, the bets of each player, and compares the dealt cards to the returned cards and the face down cards to the face up cards,

wherein the above data is analyzed via a game table computer and a game run is displayed via a display. However, applicant has failed to disclose that these separate units with corresponding inputs and outputs and the location of these units solves a particular problem or provides an advantage. One of ordinary skill in the art, furthermore, would have expected McCrea in view of Order in view of Bacchi in further view of Uhland monitoring system, and applicant's invention, to perform equally well with either the peripheral device providing optical data of objects of a gaming table and sending the data to a gaming table computer that analyzes and evaluates the data and if necessary displays the data via a display, as taught by McCrea in view of Order in view of Bacchi in further view of Uhland, or the claimed the bank recognition and registration unit in an optical electronic device above a table, the bet recognition and registration unit in an optical electronic device above a table, a separate operation unit, the input and outputs connected in a certain order because both provide the same function of allowing a dealer or other casino personal to more easily conduct a game and provide a more secure gaming environment by implementing a automated gaming table.

Therefore, it would have been *prima facie* obvious to one of ordinary skill in the art to modify McCrea in view of Order in view of Bacchi in further view of Uhland to obtain the invention as specified in claim 1 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of McCrea in view of Order in view of Bacchi in further view of Uhland.

**Claim 2:** McCrea in view of Order in view of Bacchi in further view of Uhland discloses a shoe comprising an imprint recognition and registration unit of face down cards that consists of an optical electronic device containing a CCD image converter equipped with an object glass and processor (Col. 4:14-56, Col. 8:41-48).

**Claim 3:** McCrea in view of Order in view of Bacchi in further view of Uhland discloses a monitoring system with different components that monitors objects at different inclination angles to the horizontal surface. For example, McCrea discloses monitoring cards from the card shoe and at the actual table which is at a first inclination of the table considering it is on the table. Uhland discloses detecting cards and bets from above the gaming table which is another inclination angle. With respect to specifically McCrea in order to detect the cards as they leave the shoe and when they arrive at the respective card position and furthermore when they are returned to the shoe must contain some type of order or sequence and/or synchronization of data respective of the monitoring components in order for the game table controller to store, evaluate, and determine/display game results and errors as the game progresses (see above).

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Mothwurf (US 5,755,618) teaches recognizing and registering a dealer's bank.**

**French (US 5,735,742) teaches tracking gaming chips or transactions between dealer and players.**

**Lorson (US 6,126,166) teaches a card recognition system.**

**Soltys (US 2002/0042299) teaches a monitoring system for a gaming table.**

**Momemy (US 6,425,817) teaches a token counting scanner system.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAMAR HARPER whose telephone number is (571)272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Laneau  
Examiner  
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TH

02/13/08

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Supervisory Patent Examiner, Art Unit 3714